

PATENT APPL. NO. 09/064,000

Image  
1646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: James P. Elia )

) Group Art Unit: 1646

Serial No.: 09/064,000 )

) Examiner: Elizabeth C. Kemmerer, Ph.D.

Filed: April 21, 1998 )

For: METHOD AND APPARATUS )  
FOR INSTALLATION OF )  
DENTAL IMPLANT )

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 17, 2003

Michael R. White 12/17/03

Signature

Date

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop NON-FEE AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

This paper responds to the Office Action of November 19, 2003 in which the Examiner made a restriction and election requirement for claims 192-375. A shortened statutory period of one (1) month was set to respond to the Office Action.

In accordance with the Examiner's requirement, Applicant elects to prosecute Species a) of Part I identified as organic matter. Applicant believes that claims 192, 193, 195-254, 256-315, and 317-375 are readable on said Species a). Applicant considers that claims 192, 253, and 314 are generic to organic matter growth factors; that claims 195-222, 256-283, and 317-345 involve specific types of organic growth factors; and that remaining claims 223-252, 284-316, and 346-375 involve placement and activation techniques suitable for use with organic growth factors.

Also in accordance with the Examiner's requirement, Applicant elects to prosecute Species 2) of Part I identified as non-resorbable. Applicant believes that claims 192-225, 227-

252, 253-286, 288-313, 314-348, and 350-375 are readable on said Species 2) because non-resorbable carriers could be used in all such claims.

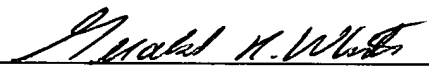
It is believed that the above-mentioned elected claims are in condition for examination in view of the above remarks, and an early action on the merits of such claims is respectfully requested.

A list of communications between Applicant and the Patent and Trademark Office ("PTO") is enclosed with the instant paper. This list is provided to ensure that the PTO file for the instant application is complete. Should any such communications not be located in the file, the undersigned would be pleased to provide a copy.

Should the Examiner have any questions or require additional information or discussion to place the application in condition for allowance, a phone call to the undersigned attorney would be appreciated.

Respectfully submitted,

Date: December 17, 2003

  
Gerald K. White  
Reg. No. 26,611  
Attorney for Applicant

GERALD K. WHITE & ASSOCIATES, P.C.  
205 W. Randolph Street, Suite 835  
Chicago, IL 60606  
Phone: (312) 920-0588  
Fax: (312) 920-0580  
Email: [gkwpattlaw@aol.com](mailto:gkwpattlaw@aol.com)



U.S. Patent Appl. No. 09/064,000  
Filed 04/21/98  
Case #1

**TABLE OF DOCUMENTS**  
**U.S. Patent Application No. 09/064,000**

DATE	TITLE
04/21/98	Patent Application
	Official Filing Receipt
10/02/98	Change of Address-Attorney of Record (T. Nissle)
05/27/99	PTO Office Action (Examiner Lucchesi) rejecting Claims 1-5
12/16/99	Petition for Revival, Amendment, Request for Reconsideration, and IDS
04/25/00	PTO Decision, granting Petition for Revival
08/16/00	Office Action (Examiner Lucchesi), rejecting Claims 1-6
01/03/01	Revocation of Power of Attorney (T. Nissle) and Appointment of New Attorney (GKW)
01/10/01	Assignment (to Dental Marketing Specialists and Bains Trust)
01/15/01	PTO Notice Regarding Power of Attorney (accepting above - GKW)
01/31/01	Examiner Interview Summary Record (Examiner Lucchesi), re 101 and 102 issues, declarations to be submitted, new claims to be drawn
02/15/01	Amendment Response (canceling Claims 1-6 and submitting new claims 7-191) with five (5) declarations and supporting exhibits, Substitute Declaration, Request for 3-month Extension of Time, Formal Drawings, IDS (w/ 24 references)
04/03/01	Notice of Recordation of Assignment Document
04/26/01	Request for Corrected Notice of Recordation of Assignment Document
05/15/01	Corrected Notice of Recordation of Assignment Document
11/16/01	PTO Office Action, suspending <i>ex parte</i> prosecution for 3 months
02/27/02	Supplemental IDS and Certification
03/20/02	2 <sup>nd</sup> Supplemental IDS and Certification

04/10/02	Examiner Interview Summary Record, re "... it appears that the declarations submitted overcome any 101 issues in the application"
09/03/02	Amendment (via fax), re canceling pending claims 7-191 and substituting new claims 192-375 ("...instead of amending pending claims, a new set of claims was provided for the convenience of the Examiner. Accordingly, no change in claim coverage was intended .... Amendment not made for reasons related to patentability...")
05/27/03	3 <sup>rd</sup> Supplemental IDS
09/15/03	PTO Office Action (Examiner Kemmerer), re restriction requirement
09/18/03	Applicant's fax to Examiner Kemmerer, forwarding copy of 9/3/02 Amendment
09/23/03	PTO Office Action, Examiner Kemmerer, vacating 09/15/03 restriction requirement and relieving Application of requirement to respond.
11/19/03	PTO Office Action, Examiner Kemmerer), re restriction requirement
11/28/03	4 <sup>th</sup> Supplemental IDS